

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard KULAK, *et al.*
Serial Number: 10/552,910
PCT Filing Date: April 15, 2003
U.S. National Stage Date: October 13, 2005
Group Art Unit: 2837
Examiner: Eduardo COLON SANTANA
Title: ELEVATOR WITH ROLLERS HAVING SELECTIVELY
VARIABLE HARDNESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ARGUMENT

Claims 1, 5-9, 13-16, and 19 were rejected as being anticipated by Jamieson et al. (U.S.5,810,120). This pre-Appeal brief review is requested because the cited prior art does not disclose the limitations of a roller with a variable hardness.

Claims 1 and 9 include the limitation that a roller includes a hardness that varies responsive to a magnetic field. Claim 16 requires the step of varying a hardness of at least one roller.

The Jamieson et al. devices provides an active roller guide that varies a force on a roller, not a hardness of a roller as is required by claim 1. In Jamieson the roller guide, not the roller is varied. (Col 3, lines 44-49). Note that in Figure 1, of Jamieson et al. the rollers 30 and 32 merely provide contact between the elevator car and the guide rails 16, 14. The solenoids 22 and 24, and electromagnets 34, 36 provide adjustment and variability, not the rollers 30 and 32. There is no mechanism, structure or disclosure that teaches varying a hardness of a roller disclosed in Jamieson et al.

The Examiner has provided a definition of hardness as being the property of being rigid and resistant to pressure. Applicant agrees with this definition and asks the Examiner to identify where in the Jamieson et al. reference it discloses changing the hardness or resistance

to pressure of a roller required to support this anticipation rejection. As appreciated, Jamieson et al. discloses changes to a force exerted on the roller, but does not disclose any feature, structure, or function that changes the properties of any of the rollers themselves.

Accordingly, the Jamieson et al. reference does not disclose, or suggest varying a hardness of the roller itself and therefore cannot anticipate the limitations present in the claims. Applicant requests reconsideration and withdrawal of this rejection.

Further claims 2, 3, 10, 17, and 18 were rejected as being obvious over Jamieson in view of Yoshiaki (JP5-116869 (“Yoshiaki”). Jamieson et al. does not disclose or suggest varying hardness of a roller for the reasons discussed above. The proposed modification in view of Yoshiaki does not correct this deficiency. Yoshiaki discloses a magnetic fluid 22 housed within a damper device 20. The magnetic fluid 22 in Yoshiaki does not, however, vary a *hardness* of the roller guide 10. Accordingly, Applicant requests reconsideration and withdrawal of this rejection.

Accordingly, the claims are believed in condition for allowance. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any necessary fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

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Dated: January 3, 2008

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 60469-233; OT-5183			
<p style="text-align: center;">CERTIFICATE OF FACSIMILE</p> <p>I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300.</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number 10/552,910	Filed 10/13/05		
		First Named Inventor Kulak			
		Art Unit 2837	Examiner Colon Santana, Eduardo		
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,174</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></td><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><p><u>/John M. Siragusa/</u> Signature</p><p><u>John M. Siragusa</u> Typed or printed name</p><p><u>248-988-8360</u> Telephone number</p><p><u>January 3, 2008</u> Date</p></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,174</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p><u>/John M. Siragusa/</u> Signature</p> <p><u>John M. Siragusa</u> Typed or printed name</p> <p><u>248-988-8360</u> Telephone number</p> <p><u>January 3, 2008</u> Date</p>
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<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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